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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,194	04/07/2006	Robert Behr	710.1027	1207
23280 7590 02/27/2008 Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018				
EXAMINER				
LYAK, LORI LYNN				
ART UNIT		PAPER NUMBER		
3612				
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02/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/540,194

**Applicant(s)**

BEHR ET AL.

**Examiner**

Lori L. Lyjak

**Art Unit**

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-20 is/are pending in the application.
- 4a) Of the above claim(s) 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claim 20 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: \*\*\*

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 20 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 and 11-19 are rejected under 35 U.S.C. 103(a) as being anticipated by Fujimoto 2004/0021342 in view of German reference 44 27 986.

Regarding claim 7, Fujimoto '342 discloses an engine hood for a motor vehicle having a deformable head impact zone to protect pedestrians in the event of a collision with the motor vehicle, the engine hood comprising an outer shell formed by a paneling of a body of the vehicle; at least one inner shell disposed below the outer shell and connected to the outer shell but does not show the inner shell having a stiffening region, wherein the stiffening region includes a vaulted structure including local folding of a material of the inner shell so as to insignificantly increase the surface area of the material.

German reference '986 teaches the inner shell having a stiffening region, wherein the stiffening region includes a vaulted structure including local folding of a material of the inner shell so as to insignificantly increase the surface area of the material.

Regarding claim 7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the inner shell of the engine hood of Fujimoto '342 with a stiffening region, wherein the stiffening region includes a vaulted structure including local folding of a material of the inner shell so as to insignificantly increase the surface area of the material, as taught by German reference '986, in order to achieve a particularly homogeneous rigidity and strength of the engine hood in the impact regions.

Regarding claim 11, Fujimoto '342, as modified, discloses the engine hood wherein the vaulted structure defines a plurality of bulge domes vaulted out in a direction toward the outer shell.

Regarding claim 12, Fujimoto '324, as modified, discloses the engine hood wherein the plurality of bulge domes of the vaulted structure are adhesively bonded to the outer shell.

Regarding claim 13, Fujimoto '324, as modified, the engine hood as recited in claim 7 wherein the inner shell is between 0.7mm and 1.2mm thick.

Regarding claim 14, Fujimoto '324, as modified, discloses the engine hood as recited in claim 7 wherein the bulges protrude more than 2 mm.

Regarding claim 15, Fujimoto '324, as modified, discloses the engine hood as recited in claim 7 the vaulted structure includes a honeycomb structure with honeycomb sizes of 25 to 50 mm.

Regarding claim 16, Fujimoto '324, as modified, discloses the engine hood as recited in claim 7 wherein the vaulted structure includes hexagonal structures.

Regarding claim 17, Fujimoto '324, as modified, discloses the engine hood as recited in claim 7 wherein the vaulted structure includes triangular or rectangular structures.

Regarding claim 18, Fujimoto '324, as modified, discloses the engine hood as recited in claim 7 wherein the vaulted structure includes bulges protruding less than 4mm.

Regarding claim 19, Fujimoto '324 discloses an engine hood for a motor vehicle having a deformable head impact zone to protect pedestrians in the event of a collision with the motor vehicle, the engine hood comprising: an outer shell formed by a paneling of a body of the vehicle; at least one inner shell disposed below the outer shell and connected to the outer shell, but does not show the inner shell having a stiffening region, wherein the stiffening region includes a vaulted structure including local folding of a material of the inner shell so as to insignificantly increase the surface area of the material, the vaulted structure having a grid or lattice constant and vault height matched to a material thickness and desired rigidity of the inner shell.

German reference '986 teaches the inner shell having a stiffening region, wherein the stiffening region includes a vaulted structure including local folding of a material of the inner shell so as to insignificantly increase the surface area of the material.

Regarding claim 19, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the inner shell of the engine hood of Fujimoto '342 with a stiffening region, wherein the stiffening region includes a vaulted structure including local folding of a material of the inner shell so as to insignificantly increase the surface area of the material, as taught by German reference '986, in order to achieve a particularly homogeneous rigidity and strength of the engine hood in the impact regions.

4. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto 2004/0021342 in view of German reference 44 27 986 as applied to claim 7 above, and in view of European reference 1 093 980.

Regarding 8, Fujimoto '342, as modified, discloses the engine hood but does not show wherein the inner shell includes a base part defining a cutout and an insert part disposed in the cutout and fixedly connected to the base part, and wherein the stiffening region is formed by the insert part.

European reference '980 teaches the inner shell includes a base part defining a cutout and an insert part disposed in the cutout and fixedly connected to the base part, and wherein the stiffening region is formed by the insert part in Figure 3.

Regarding claim 8, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the engine hood of Fujimoto '342, as modified, with the inner shell includes a base part defining a cutout and an insert part disposed in the cutout and fixedly connected to the base part, and wherein the stiffening region is formed by the insert part, as taught by European reference '980, in order to provide a stiffening region to the engine hood.

Regarding claim 9, Fujimoto '342, as twice modified, discloses the engine hood, wherein the insert part includes a semi-finished product having a smooth edge region and a vaulted-structure portion.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto 2004/0021342 in view of German reference 44 27 986 as applied to claim 7 above, and in view of German reference 296 01 143.

Regarding claim 10, Fujimoto '342, as modified, discloses the engine hood but does not show wherein the insert part includes an edge region and is adhesively bonded to the base part at the edge region.

German reference '143 teaches the insert part includes an edge region and is adhesively bonded to the base part at the edge region.

Regarding claim 10, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the insert part of the engine hood of Fujimoto '342, as modified, with an edge region and adhesively bonded to the base part at the edge region, as taught by German reference '143, in order to attach the insert part to the base part.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 7-19 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Lyjak whose telephone number is 571-272-6658. The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lori L. Lyjak/  
Primary Examiner, Art Unit 3612

III  
February 16, 2008